

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JESSIE SMITH, )  
 )  
Petitioner, )  
 )  
v. ) Case No. 4:07CV1547 HEA  
 )  
JEAN ANN JOHNSON, )  
 )  
Respondent, )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on the Report and Recommendation, of Magistrate Judge Terry I. Adelman, that Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be dismissed without further proceedings. Neither of the parties have filed objections to the Report and Recommendation within the prescribed time period. The Court notes, however, that the copy of the Report and Recommendation which was mailed to Petitioner was returned to the Court as undeliverable, and that the Clerk of the Court could not verify a new address for Petitioner.<sup>1</sup>

Judge Adelman's Report and Recommendation contains a very thorough analysis of the law and its application to the facts of this case, and therefore, for the

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<sup>1</sup> It is incumbent upon Petitioner to advise the Court of his current address and his failure to do so can be construed as a failure to prosecute this action.

reasons set forth therein, the Court will adopt the Report and Recommendation dated July 8, 2010 in its entirety.

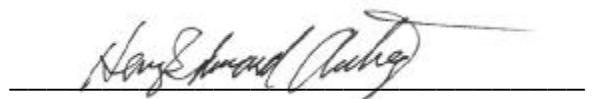
Accordingly

**IT IS HEREBY ORDERED** that Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is dismissed without further proceedings.

**IT IS FURTHER ORDERED** that no Certificate of Appealability shall issue.

A separate judgment in accordance with this Opinion, Memorandum and Order is entered this same date.

Dated this 6th day of August, 2010.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE